

of; *Doughty v. Bull*, 2 P. Will. 320; *Lechmere v. Carlisle*, 3 P. Will. 211; *Thornton v. Hauley*, 10 Ves. 129; *Ashby v. Palmer*, 1 Meriv. 296; the \*existence of which it may be well to recollect, although none of them need now be particularly noticed **190** further than as they may be illustrative of the analogous consequences in cases of a similar conversion made without the consent of the owner.

Here the inquiry is as to the extent of the power of the Court of Chancery over the property of infants. It is admitted by all, that a guardian or trustee cannot merely as such make an absolute and total change in the nature of an infant's estate; and also, that the Court of Chancery can direct or sanction no alteration whatever, in the nature of an infant's estate, which his guardian or trustee might not of himself lawfully make. *Inwood v. Twyne*, Amb. 417; *S. C.* 2 Eden, 148; *Lee v. Brown*, 4 Ves. 368. In general, the Court will not suffer the personal estate of an infant to be in any way changed into real; or his real estate to be converted into personalty. For the alteration of property is as far as possible to be avoided consistently with the idea of preserving the interests of the proprietor. *Rook v. Worth*, 1 Ves. 461; *Ex parte Bromfield*, 1 Ves. Jun. 460; *Oxenden v. Compton*, 2 Ves. Jun. 73. But, apart from this general rule, there are many cases in which the Court will, for the manifest convenience and advantage of the infant, direct or sanction the making of an absolute purchase of real estate with his personalty, or with the rents and profits or proceeds of his estate; and thus, in fact, convert his personalty into realty. This, however, is never done without a complete saying to the infant of all his rights by continuing to consider, during his infancy, the property as personalty to the same extent as before such conversion was made. Because the Court can neither do nor sanction any Act which may, in its consequences, impair the rights of the infant, or those who may claim under him, either by altering the nature of his property; *Winchelsea v. Norcliffe*, 1 Vern. 435; *Witter v. Witter*, 3 P. Will. 99; *Kirk v. Webb*, Prec. Chan. 84; *Terry v. Terry*, Prec. Chan. 273; *Mason v. Day*, Prec. Chan. 319; *Pierson v. Shore*, 1 Atk. 480; *Sergeson v. Sealey*, 2 Atk. 413; *Mayncaring v. Mayncaring*, 3 Atk. 414; *Rook v. Worth*, 1 Ves. 461; *Inwood v. Twyne*, Amb. 417; *S. C.* 2 Eden, 148; *Gibson v. Scudamore*, 1 Dick. 45; *Oxenden v. Compton*, 2 Ves. Jun. 73; *Ashburton v. Ashburton*, 6 Ves. 6; *Ware v. Polhill*, 11 Ves. 278; *Ex parte Phillips*, 19 Ves. 120; *Webb v. Shaftsbury*, 6 Mad. 100; or by changing his domicile so as to cast it into a different course of succession. *Somerville v. Somerville*, 5 Ves. 750; *Pottinger v. Wightman*, 3 Meriv. 68; *Desesbats v. Berquier*, 1 Bin. 336. But in the conversion of an infant's personalty into realty, by clearing off incumbrances, he being, in respect of such real estate, liable as debtor, so that, as